

proper under 37 C.F.R. § 1.116.

### **35 U.S.C. § 112 Rejections**

Claims 20-21 and 23-25 are rejected under 35 U.S.C. §112. The Applicants respectfully traverse.

The Examiner asserts on Page 3 of the Office Action that the specification does not support the steps of providing a first and second authorization codes. The Examiner asserts that the specification describes the authorization component spools the requested program or transmit an authorization code for descrambling. The Applicants respectfully disagree. On page 26, lines 14-19, the specification recites “[t]ypically, the analog IPPV/VOD set top terminal receives the program in a scrambled format such that the cable headend processing requires only the downstream transmission of an authorization code from the cable headend 208 to the set top terminal 220. If the analog IPPV/VOD set top terminal is receiving the program in descrambled format, the network manager 214 prompts the file server 215 to spool the desired program for transmission to the subscriber.” Therefore, the method includes a decision block: if the program is received in a scrambled format, a second authorization code is used to descramble the program (see also page 25, lines 13-19 of the specification); on the other hand, if the program is received in a descrambled format, the program is transmitted to the subscriber. The second authorization code used to descramble the program is different from the first authorization code that is sent to file server 215 so that the analog VOD set top terminal 314 can be tuned to a specific preview channel until the requested program is ready to be viewed. (See page 27, lines 1-4 for the description of the first authorization code.) Accordingly, the specification supports the use of both the first and second authorization code. Withdrawal of the rejection under 35 U.S.C. §112 is respectfully requested.

### **35 U.S.C. § 103 Rejections**

Claims 1-19 are rejected under 35 U.S.C. §103 (a) as being unpatentable over U.S. Patent No. 5,631,693 to Wunderlich et al. (hereinafter Wunderlich) and U.S. Patent No. 5,818,511 to Farry et al. (hereinafter Farry). The Applicants respectfully traverse.

Wunderlich is directed to a method and apparatus for providing on demand services in a subscriber system. Farry is directed to a digital switching network that accommodates a full range of broadband and narrowband digital technologies. However, neither Wunderlich nor Farry, individually or in combination, discloses or teaches “a file server ... capable of receiving

said first authorization code and a second authorization code, wherein when the requested program is scrambled, the second authorization code descrambles said scrambled requested program” as recited in amended claim 1. Since neither Wunderlich nor Farry discloses or teaches all of the elements of amended claim 1, claim 1 is allowable over Wunderlich and Farr.

Claims 2-8 are allowable because they depend from allowable claim 1 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 1-8 under 35 U.S.C. §103 (a).

With respect to claim 9, neither Wunderlich nor Farry, individually or in combination, discloses or teaches “a file server ... capable of receiving said first authorization code and a second authorization code, wherein when the requested program is scrambled, the second authorization code descrambles said scrambled requested program” as recited in amended claim 9. Accordingly, claim 9 is allowable over Wunderlich and Farr. Applicants therefore respectfully request withdrawal of the rejection of claim 9 under 35 U.S.C. §103 (a).

With respect to claim 10, neither Wunderlich nor Farry, individually or in combination, discloses or teaches “a file server ... capable of receiving a first authorization code to enable set top terminals to receive a requested program and a second authorization code, wherein when the requested program is scrambled, the second authorization code descrambles said scrambled requested program” as recited in amended claim 10. Accordingly, claim 10 is allowable over Wunderlich and Farr.

Claims 11-16 are allowable because they depend from allowable claim 10 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 10-16 under 35 U.S.C. §103 (a).

With respect to claim 17, neither Wunderlich nor Farry, individually or in combination, discloses or teaches “a file server ... capable of receiving a first authorization code to enable the set top terminals to receive a requested program and a second authorization code, wherein when the requested program is scrambled, the second authorization code descrambles said scrambled requested program” as recited in amended claim 17. Accordingly, claim 17 is allowable over Wunderlich and Farr.

Claims 18-19 are allowable because they depend from allowable claim 17 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 17-19 under 35 U.S.C. §103 (a).

In view of the above remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Attached hereto are a marked-up version of the changes made to the specification and claims by the current amendment, and a clean version of all pending claims. The attached pages are captioned "**Version with markings to show changes made**" and "**Pending Claims**" respectively.

The Commissioner is hereby authorized to charge or credit any deficiencies in connection with this response to deposit account No. 04-1425.

Respectfully Submitted,

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE SPECIFICATION:**

Paragraph beginning at page 26, line 14, has been amended as follows:

Typically, the analog IPPV/VOD set top terminal receives the program in a scrambled format such that the cable headend processing requires only the downstream transmission of an authorization code from the cable headend 208 to the set top terminal 220. If the analog IPPV/VOD set top terminal is [not] receiving the program in descrambled format, the network manager 214 prompts the file server 215 to spool the desired program for transmission to the subscriber.

**IN THE CLAIMS:**

Claims 1, 9, 10, 17, and 25 have been amended as follows:

1. (Twice Amended) An apparatus for video on demand programs comprising:
  - a receiver to receive requests for video on demand programs;
  - a network manager, connected to said receiver, to process said program requests; and
  - an authorization component, connected to said network manager, to transmit a first authorization code to enable set top terminals to receive a requested program;
  - a file server, coupled to said network manager, capable of receiving [receives] said first authorization code and [, wherein said file server spools said requested program or downloads] a second authorization code, wherein when the requested program is scrambled, [wherein] the second authorization code descrambles said scrambled requested program.
9. (Twice Amended) An apparatus for delivering video on demand programs to set top terminals comprising:
  - (a) a receiver to receive requests for video on demand programs from the set top terminals;
  - (b) a network manager, connected to said receiver, comprising:
    - a processor to process said program requests, wherein said processor includes an instruction memory and said processor comprises control software to compile, group or count said program requests;
  - (c) an authorization component, connected to said network manager by an interface, to transmit a first authorization code to enable the set top terminals to receive a requested program;
  - and

(d) a file server, connected to said network manager, capable of receiving [to receive] said first authorization code and [, wherein said file server spools said requested program or downloads] a second authorization code, wherein when the requested program is scrambled, [wherein] the second authorization code descrambles said scrambled requested program.

10. (Twice Amended) An apparatus for video on demand programs comprising:  
an authorization component to receive requests for video on demand programs;  
an interface connected to said authorization component;  
a network manager, connected to said interface, to process said program requests; and  
a file server, connected to said authorization component, capable of receiving [to receive] a first authorization code to enable set top terminals to receive a requested program and [, and to spool said requested program or to download] a second authorization code, wherein when the requested program is scrambled, [wherein] the second authorization code descrambles said scrambled requested program.

17. (Twice Amended) An apparatus for delivering video on demand programs to set top terminals comprising:

an authorization component to receive requests for video on demand programs from the set top terminals;

an interface connected to said authorization component;

a network manager, connected to said interface, comprising:

a processor to process said program requests, wherein said processor includes an instruction memory, and said processor comprises control software to compile, group or count said program requests; and

a file server, connected to said authorization component, capable of receiving [to receive] a first authorization code to enable the set top terminals to receive a requested program and [, and to spool said requested program or download] a second authorization code, wherein when the requested program is scrambled, [wherein] the second authorization code descrambles said scrambled requested program.

25. (Amended) A method for delivering video on demand programming comprising the steps of:

a) receiving a request for a video on demand program from a set top terminal;

b) processing at least one received request;

- c) sending a first authorization code to a file server;
- d) spooling said requested program from said file server;
- e) authorizing viewing or delivering of said requested program;
- [f) downloading a second authorization code, wherein the second authorization code descrambles said requested program;]
- [g]f) counting a period of time;
- [h]g) receiving additional requests until said period of time expires; and
- [i]h) authorizing viewing or delivering of said requested program after said period of time expires.